Virginia **ESEA Flexibility**

Accountability Addendum Revisions Submitted December 2, 2013



U.S. Department of Education

Washington, DC 20202

In order to move forward with State and local reforms designed to improve academic achievement and increase the quality of instruction for all students in a manner that was not originally contemplated by the No Child Left Behind Act of 2001 (NCLB), a State educational agency (SEA) may request flexibility, on its own behalf and on behalf of its local educational agencies (LEAs), through waivers of certain provisions of the Elementary and Secondary Education Act of 1965 (ESEA) and their associated regulatory, administrative, and reporting requirements (ESEA flexibility). However, an SEA that receives ESEA flexibility must comply with all statutory and regulatory provisions that are not waived. For example, an SEA must calculate a four-year adjusted cohort graduation rate, as set forth in 34 C.F.R. § 200.19(b), and disaggregate that rate for reporting. Similarly, an SEA must use an "n-size" that ensures, to the maximum extent practicable, that all student subgroups are included in accountability determinations, in accordance with 34 C.F.R. § 200.7(a)(2)(i)(B). Furthermore, an SEA may continue to use technical measures, such as confidence intervals, to the extent they are relevant to the SEA's ESEA flexibility request. This accountability addendum replaces a State's accountability workbook under NCLB and, together, an SEA's approved ESEA flexibility request and this accountability addendum contain the elements of the State's system of differentiated recognition, accountability and support.

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Instructions to the SEA: Please provide the requested information in the "State Response" column in the table below. Please provide the information in sufficient detail to fully explain your response. Also, please indicate whether the information provided is the same as that in your State accountability workbook under NCLB or reflects a change. Note that these instructions, the "change" column, and the "ED Comments" column of the table will be removed in the version of this document that is posted on ED's website.

Subject and Question	State Response	Change from NCLB accountability workbook
Annual Measurable Objectives		
(AMOs)		
1. Please attach the State's AMOs for reading/language arts and mathematics for the all students group and each individual subgroup. If the State has different AMOs for each school or LEA, attach the State-level AMOs and provide a link to a page on the SEA's web site where the LEA and school level AMOs are available.	Virginia's AMOs for reading and mathematics for the all students group and each subgroup were established based on the methodology described in the state's ESEA flexibility application. The AMOs are available in Attachment 1 and at the following link: http://www.doe.virginia.gov/statistics-reports/school-report_card/accountability_guide_amo.pdf .	✓

Annual Measurable Achievement Objective 3 (AMAO 3) under Title III 2. Please affirm that the State The state makes Title III AMAO 3 determinations of "met" or "did not meet" for determines whether an LEA that reading and mathematics AMOs and the 95 percent participation rate, as described receives funds under Title III of in Section 2.B of the state's ESEA flexibility application, for the limited English the ESEA meets AMAO 3 proficient (LEP) subgroup for all LEAs that receive Title III funds. For LEAs that (ESEA section 3122(a)(3)(A)(iii)) include one or more high schools, the Title III AMAO 3 determination also based on either of the following: includes the federal graduation indicator (FGI) as described in Section 2.B of the state's ESEA flexibility application. • Whether the subgroup of English Learners has made adequate yearly progress (AYP) under ESEA section 1111(b)(2)(B); or • If the State has received a waiver of making AYP determinations, whether the subgroup of English Learners has met or exceeded each of the following: o Its AMOs in reading/language arts and mathematics. o 95 percent participation on the State's assessments in reading/language arts and mathematics. o The State's goal or annual targets for graduation rate if the LEA includes one or more. high schools.

Subgroup Accountability		
3. What subgroups, including any combined subgroups, as applicable, does the State use for accountability purposes, including measuring performance against AMOs, identifying priority, focus, and reward schools, and differentiating among other Title I schools? If using one or more combined subgroups, the State should identify what students comprise each combined subgroup.	Beginning with accountability determinations for the 2012-2013 school year, based on assessments administered in 2011-2012, Virginia identified a new subgroup of students as a "proficiency gap group" for accountability purposes - Gap Group 1, compromised of an unduplicated count of students with disabilities, LEP students, and economically disadvantaged students. The rationale for the gap group is available in Section 2.B on pages 54-55 of the state's ESEA flexibility application. Virginia will also continue to use the following subgroups, based on the state's previously approved accountability workbook, for accountability purposes: all students; economically disadvantaged; LEP; students with disabilities; Asian; black (Gap Group 2); Hispanic (Gap Group 3); and white.	✓
State Accountability System Includ	es All Schools and Districts	
4. What is the State's definition of a local educational agency (LEA)	A "local educational agency" is generally defined as a local school division governed by a local school board.	

5. What is the State's definition of a public school? Please provide definitions for elementary school, middle school, and secondary school, as applicable.	The Regulations Establishing Standards for Accrediting Public Schools in Virginia define a "public school" as a publicly funded institution where students are enrolled for all or a majority of the instructional day, and: 1) those students are reported in fall membership; and 2) at a minimum, the institution meets the preaccreditation eligibility requirements of these regulations. Public schools are further defined as follows: • "Elementary school" means a public school with any grades kindergarten through five. • "Middle school" means a public school with any grades 6 through 8.	
	 "Secondary school" means a public school with any grades 9 through 12. "Combined school" means a public school that contains any combination of or all of the grade levels from kindergarten through grade 12. (8 VAC 20-131-5) 	
6. How does the State define a small school?	For the purposes of federal accountability, the state defines a small school as a school with a population smaller than the minimum "n" size. Additional information about the state's minimum "n" is available on pages 15 and 16 of this addendum.	
7. How does the State include small schools in its accountability system?	Small schools are expected to meet the same AMOs as other public schools in the state, except that the performance AMO for reading and mathematics must be met in the 3-year average to produce a statistically reliable result. Small schools are subject to the same federal requirements and accountability determinations as other schools.	

8. How does the State define a new school?	The state defines a new school as a public school that includes new administrative staff, teachers, and students consistent with the guidelines established by the National Center for Education Statistics (NCES) through the Common Core of Data collection. NCES guidelines for new, changed or closed schools can be found at the following link: http://www2.ed.gov/about/inits/ed/edfacts/eden/xml/x029-9-0.doc . LEAs are required to register new schools with the SEA through the <i>School and Staff Administration</i> data collection application using the procedure outlined in a superintendent's memorandum at the following link: http://www.doe.virginia.gov/administrators/superintendents-memos/2012/156-12.shtml . Following registration with the state, new schools are assigned a state school number and a National Center for Education Statistics (NCES) number for federal	
9. How does the State include new schools, schools that split or merge grades (e.g., because of overpopulation or court rulings), and schools that otherwise change configuration in its accountability system?	accountability purposes. LEAs are required to report to the SEA through the <i>School and Staff Administration</i> data collection information on all new schools that will be opening as well as changes in the operational status or grade configuration of schools that were open the previous school year. New schools receive AMO determinations based on assessments administered at the end of the first year, for accountability ratings applied to the school's status in the second year of operation. For schools that split or merge grades or otherwise change configuration, guidelines from the NCES will be used to determine whether or not the school is considered new. Where the school is not determined to be new, prior year's assessment results are applied to the school's accountability rating. NCES guidelines are detailed in the 029 files specification for EdFacts reporting, available at the following webpage: (http://www2.ed.gov/about/inits/ed/edfacts/sy-12-13-nonxml.html).	
10. How does the State include schools that have no grades assessed (e.g., K-2 schools) in its accountability system?	A school that has no assessed grades is paired with and receives the assessment results of a school with assessed grades (preferably a school which the students in the school with the non-assessed grades are scheduled to attend). For example, a K-2 school would be paired with a 3-5 school and receive the assessment results of that school. If the school with the non-assessed grades is a Title I school, it is subject to priority or focus status.	

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The state accountability system includes all schools, including alternative schools. Alternative schools are subject to the same federal requirements and accountability determinations as other schools.

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State-operated programs are not considered LEAs nor are they part of an LEA. The school for the deaf and blind is a separate agency, and the SEA does not have jurisdiction over the school's operation. The assessment scores of students in state-operated programs and the school for the deaf and blind will be accounted for in state-level AMO determinations.

> Under state law, the Department of Juvenile Justice operates a Division of Education which is composed of all the educational facilities of all institutions operated by the Department of Juvenile Justice. The scores of students in these programs will be accounted for in state-level AMO determinations.

- 11. How does the State include alternative schools in its accountability system? Consistent with State law, alternative schools include, but are not limited to:
- State schools for deaf and blind,
- Juvenile institutions,
- Alternative high schools, and
- Alternative schools for special education students.

If the State includes categories of alternative schools in its accountability system in different ways, please provide a separate explanation for each category of school.

12. How does the State include charter schools, including charter schools that are part of an LEA and charter schools that are their own LEA, in its accountability system?	Virginia charter schools operate under the jurisdiction of the LEA in which they are located. No Virginia charter schools operate as individual LEAs. Charter schools are subject to the same federal requirements and accountability determinations as other Virginia public schools.	

State Accountability System Include	les All Students	
13. What are the State's policies and procedures to ensure that all students are included in its assessment and accountability systems?	All students in tested grade levels and courses are expected to participate in Virginia's assessment program. Virginia's assessment system includes students with disabilities and LEP students. Students with disabilities and LEP students may take Standards of Learning (SOL) tests with or without accommodations or they may be assessed through alternate or alternative assessments.	
	LEAs are responsible for submitting assessment results for each student or indicating a valid and acceptable reason why a student was not administered a required assessment. The state provides extensive guidance and technical assistance to LEAs regarding policies and procedures for including all students in the state's assessment system. Additional details are available in the SOL Test Implementation Manuals located on the state's SOL Test Administration & Development Web page. The most recent Test Implementation Manual is the Fall 2013 Test Implementation Manual and is effective as of November 1, 2013.	
14. How does the State define "full academic year"?	In accordance with Title I regulations, a student is considered to be enrolled for a full academic year in a school, LEA or the state if the student is in membership in the school, LEA or the state by September 30 of the school year and continues in membership through test administration.	
15. How does the State determine which students have attended the same public school and/or LEA for a full academic year?	The state obtains student transfer information from the demographic sections of student assessment records, which contains a field for the following options, as applicable: A – Transfer from within division B – Transfer from outside division C – Transfer from outside state The field is only used for transfer students. The field is left blank if the student has attended the same public school in the same LEA for a full academic year.	
16. To which accountability indicators does the State apply the definition of full academic year?	The definition of full academic year is applied to performance on the reading and mathematics AMOs.	

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17. What are the procedures the State uses to ensure that mobile students, including students who transfer within an LEA or between LEAs, are included at the appropriate level (school, LEA, and State) of the accountability system?	If a student moves from one school to another in the same LEA during the same academic year and is not enrolled in any one school for a full academic year, then the student's performance on statewide assessments will be included only at the division and state levels for AMO determinations. If a student moves from one LEA to another in the state and is not present in any one LEA for a full academic year, then the student's performance on statewide assessments will be included only at the state level for AMO determinations. If a student is not present in the state for a full academic year, the student's performance on statewide assessments will not be included in AMO determinations at any level. This definition does not apply to any student whose membership is interrupted as a result of poor attendance or disciplinary action – the assessment data from these students are included in AMO determinations.	
18. Does the State include in accountability determinations the proficient and advanced scores of students with the most significant cognitive disabilities on assessments based on alternate academic achievement standards? If so, does the State limit the number of those scores at the LEA and State levels, separately, so that the number of proficient and advanced scores included in the determinations does not exceed 1.0 percent of all students in the grades assessed?	The state uses the Virginia Alternate Assessment Program (VAAP) to assess the achievement levels of students with the most significant cognitive disabilities. The state includes in accountability determinations the proficient and advanced scores of students administered the VAAP, and limits the number of those scores at the LEA and state levels to no more than one percent of all students in the assessed grades. LEAs may apply for a waiver of the one percent cap on a case-by-case basis. Additional information on Virginia's alternate assessments is available at: http://www.doe.virginia.gov/testing/alternative_assessments/index.shtml .	

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19. If the State provides an alternate	The state uses the Virginia Modified Achievement Standards Test (VMAST) to assess the	
assessment based on modified	achievement level of students with disabilities based on modified academic achievement	
academic achievement standards,	standards for reading and mathematics. The state includes in accountability determinations	
does the State include in	the proficient and advanced scores of students administered these assessments, and limits	
accountability determinations	the number of those scores at the LEA and state levels to no more than two percent of all	
the proficient and advanced	students in the assessed grades. The state does not offer a waiver of the two percent cap.	
scores of students with		
disabilities who take that	As directed by the U.S. Department of Education, the VMAST will be phased out by	
assessment? If so, does the State	2014-2015, after which students who would have been administered the VMAST will be	
limit the number of those scores	administered the regular SOL assessments.	
at the LEA and State levels,		✓
separately, so that the number of	Additional information on the VMAST assessment is available at:	
proficient and advanced scores	http://www.doe.virginia.gov/testing/alternative assessments/index.shtml.	
included in the determinations		
does not exceed 2.0 percent of		
all students in the grades		
assessed?		
20. What is the State process if an	Proficient and advanced scores of students exceeding the one or two percent proficiency	
LEA or the State exceeds either	cap are reassigned as failing SOL scores. Through the state's secure online educational	
the 1.0 or 2.0 percent	information system, the SEA provides LEAs with a list of scores without student	
proficiency cap?	identifiers. Based on this list, LEAs identify the scores to be reassigned as failing SOL	
	scores for the purposes of federal accountability.	

found.

administration manuals may be

21. What are the State's policies and Virginia's policies and procedures governing accommodations for state assessments for procedures to ensure that students with disabilities are outlined in *Procedures for Participation of Students with Disabilities in* students with disabilities and <u>Virginia's Accountability System</u>. This document is updated periodically; the most current English Learners are provided version was effective as of July 2013. Students with disabilities are expected to participate appropriate accommodations? in all content area assessments that are available to students without disabilities. An In addition, please provide a link Individualized Education Program (IEP) team determines how students with disabilities to a page on the SEA's web site identified under the Individuals with Disabilities Education Act (IDEA) will participate in any where the State's of the state's following assessments: accommodations manuals or test

Standards of Learning (SOL) assessments with or without accommodations;

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- Virginia Grade Level Alternative (VGLA) in science, writing, or history only;
- Virginia Modified Achievement Standards Test (VMAST) in reading or mathematics; or
- Virginia Alternate Assessment Program (VAAP).

A 504 committee determines how students with disabilities identified under the Rehabilitation Act of 1973, as amended, will participate in any of the state's following assessments:

- SOL assessments with or without accommodations; or
- VGLA in science, writing, or history only.

Virginia's policies and procedures governing accommodations for state assessments for LEP students are outlined in Limited English Proficient Students: Guidelines for Participation in the Virginia Assessment Program. This document is updated periodically; the most current version was effective as of November 2013. LEP students are expected to participate in all content areas assessments that are available to non-LEP students. An LEP committee determines how an LEP student will participate in Virginia assessments and which, if any, testing accommodations are appropriate.

(continued)	 The committee must specify the students participation in assessments for each content area using one of the following options: SOL test with or without accommodations; Plain English versions of the grades 3 through 8 <i>Mathematics</i> and <i>Algebra I</i> tests; Virginia Grade Level Alternative (VGLA) <i>Reading</i> assessment for students at the lowest levels of English proficiency; or Exemption from testing where permitted with an explanation for the exemption. 	
22. Does the State include, for up to two accountability determination cycles, the scores of former students with disabilities in making accountability determinations for the subgroup of students with disabilities? If so, how?	The state does not require a designation of "former students with disabilities" and does not collect data related to such a designation.	
23. Does the State count recently arrived English Learners as having participated in the State assessments for purposes of meeting the 95 percent participation requirement if they take (a) either an English language proficiency assessment or the State's reading/language arts assessment; and (b) the State's mathematics assessments?	LEP students who have attended school in the United States for fewer than 12 months are allowed a one-time exemption from testing in reading in grades 3-8. This exemption is not available to LEP students who are scheduled to take the end-of-course reading test in high school as this test is a graduation requirement. All LEP students must participate in mathematics assessments regardless of when they arrived in the country. If an LEP student in his or her first year of enrollment is tested, the student is counted as participating in the state assessment program. However, failing mathematics scores of tested LEP students in the first year of enrollment do not count against a school or LEA.	

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24. Does the State exempt a recently arrived English Learner from one administration of the State's reading/language arts assessment?	LEP students who have attended school in the United States for fewer than 12 months are allowed a one-time exemption from testing in reading in grades 3-8. This exemption is not available to LEP students who are scheduled to take the end-of-course reading test in high school as this test is a graduation requirement.	
25. Does the State exclude from accountability determinations the scores of recently arrived English Learners on the mathematics assessment, the reading/language arts assessment (if administered to these students), or both, even if these students have been enrolled in the same school or LEA for a full academic year?	The scores of LEP students tested in their first year of enrollment are included in accountability determinations; however, failing reading and mathematics scores of these students do not count against a school or LEA.	
26. Does the State include, for up to two accountability determination cycles, the scores of former English Learners in making accountability determinations for the subgroup of English Learners? If so, how?	The state includes the reading and mathematics scores of formerly LEP students in accountability determinations for the LEP subgroup for two years.	

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27. What are the State's criteria for exiting students from the English Learner subgroup?	 The state's criteria for exiting students from the LEP subgroup are included in the statewide Title III accountability plan and are as follows: An LEP student in kindergarten must take the Kindergarten ACCESS for ELLs test and earn an Overall Score (Composite) of 5.0 or higher and a Literacy Score of 5.0 or higher. An LEP student in grades 1 through 12 must take Tier C of the ACCESS for ELLs test and earn an Overall Score (Composite) of 5.0 or higher and a Literacy Score of 5.0 or higher. The criteria to exit the LEP subgroup are applied using a conjunctive model whereby a student must meet all of the criteria to exit; i.e., the scores are not weighted by domain. 	
Assessments		
28. Which assessments, including alternate assessments, is the SEA using for reporting achievement under ESEA section 1111(h)(1)(C)(i) (i.e., reading/language arts, mathematics, and science assessments)?	The state uses SOL, VGLA, VMAST, and VAAP assessments as administered in grades 3-8 and end-of-course subjects for reading and mathematics performance for accountability determinations under ESEA Section 1111(h)(1)(C)(i). Results of writing, science, and history assessments are used for reporting purposes but are not included in accountability determinations. Additional information about the state's assessments is available in Section 1.C of the state's ESEA flexibility application and on the following Web site: http://www.doe.virginia.gov/testing/test_administration/index.shtml .	√
29. What additional assessments, if any, does the State include in its accountability system and for what purpose is each assessment included?	Not Applicable	

Statistical Reliability and Protection of Students' Privacy		
 30. What is the State's minimum "n-size" for determining each of the following? Participation rate Performance against AMOs Graduation rate Other (as applicable, please specify use) 	For the 2012-2013 accountability determinations, based on assessments administered in the 2011-2012 school year, the state's minimum "n" size remained at 50 for the participation rate and performance against AMOs (including FGI). Beginning with the 2013-2014 accountability determinations, based on assessments administered in the 2012-2013 school year, the minimum "n" size will be lowered to 30 for each of these areas.	√
31. What is the State's minimum "nsize" for protecting students' privacy when reporting?	To comply with the Family Educational Rights and Privacy Act (FERPA), the state uses 10 as a minimum cell size for reporting purposes.	
32. What confidence intervals, if any, does the State use in its accountability system to ensure the statistical reliability of school classifications, and for which calculations are these confidence intervals applied?	Not Applicable	
33. Does the State base accountability determinations on multiple years of data? If so, which years, and how, if at all, are the years weighted?	A trailing three-year average may be used for a subgroup that does not meet reading or mathematics AMOs using the current year's performance. In these cases, assessments from each of the three years are weighted the same. Other provisions for meeting AMO expectations, including safe harbor provisions, are available in Section 2.B of the state's ESEA flexibility application.	

Other Academic Indicators		
34. What are the other academic indicators for elementary and middle schools that the State uses for annual reporting? What are the State's goal and/or annual targets for these indicators?	The other academic indicators used for annual reporting and their respective goals are: Attendance – 94 percent Science – 70 percent History – 70 percent Writing – 70 percent Data for other academic indicators are used for reporting purposes and are <i>not</i> used for federal accountability determinations for schools, LEAs, or the state.	✓

Graduation Rate		
35. What are the State's graduation rate goal and annual graduation rate targets?	The Federal Graduation Indicator (FGI) rate is 80 percent for all students and each individual subgroup, and can be met using a 4-year, 5-year, or 6-year adjusted cohort rate. Virginia's FGI indicator may also be met if the non-attainment rate for the 4-year cohort is reduced by 10 percent as compared to the prior year. As approved by the U.S.	
Please provide a table with State-level goal and annual targets for all students and by subgroup beginning with the 2012–2013 school year.	Department of Education, Virginia's FGI results for the current accountability year reflect graduation data that lag one year, which allows the state to capture graduation data from students who completed diploma requirements during the summer. Virginia's FGI rate includes only standard, advanced, or International Baccalaureate (IB) diplomas.	✓
If graduation rate annual targets vary by school, provide a link to the page on the SEA's web site where the LEA and school targets are available.	 For FGI results reported for the 2013-2014 accountability year, based on graduation data from 2011-2012: The 4-year adjusted cohort rate includes all first-time 9th graders in 2008-2009 who earned one of the diploma types above by the end of the 2011-2012 school year; The 5-year adjusted cohort rate includes all first-time 9th graders in 2007-2008 who earned one of the diploma types above by the end of the 2011-2012 school year; and The 6-year adjusted cohort rate includes all first-time 9th graders in 2006-2007 who earned one of the diploma types above by the end of the 2011-2012 school year. The rate is adjusted for students who transfer in, transfer out, or are deceased. 	
36. If the State has received a timeline extension and is not using a four-year adjusted cohort graduation rate for accountability determinations, please specify what rate the State is using and when the State will begin using a four-year adjusted cohort rate.	Not Applicable	

The state calculates four-, five-, and six-year FGI rates by subgroup for schools, LEAs, and the state. A subgroup may meet the 80 percent rate of students graduating with a regular diploma using the four, five, or six year FGI rate. A subgroup may also meet the FGI through the safe harbor provision of a 10 percent reduction in the percent of nongraduating students from the previous year applied only to the adjusted four-year FGI rate.	√
	the state. A subgroup may meet the 80 percent rate of students graduating with a regular diploma using the four, five, or six year FGI rate. A subgroup may also meet the FGI through the safe harbor provision of a 10 percent reduction in the percent of nongraduating students from the previous year applied only to the adjusted four-year FGI

Participation Rate		
38. How does the State calculate participation rates?	The reading and mathematics participation rates are calculated as follows: *Numerator: 1) all students who passed or failed the SOL, VGLA, VAAP, or VMAST assessment; and 2) any student from the previous school year who passed or failed a Board-approved A.P. or I.B. substitute test *Denominator: 1) all students enrolled in a class that administers SOL, VGLA, VAAP, VMAST, or VSEP* assessments; and 2) any student from the previous school year who elected to take a Board-approved A.P. or I.B. substitute test** *Based on previous guidance received from USED, students who participate in VSEP for reading or mathematics must be counted as non-participants for the purposes of federal accountability. **The one-year lag in the use of A.P. or I.B. data was approved at the same time Virginia was approved to use these test as substitutes.	
39. How does the State use participation rates within its differentiated accountability system (<i>i.e.</i> , index)?	The participation rate target is 95 percent for reading and mathematics, and is used as an AMO for all students and each individual subgroup. Failure of a school, an LEA, or the state to meet the participation rate for either reading or mathematics results in a determination of "Did Not Meet All AMOs."	✓